

**98TH GENERAL ASSEMBLY****State of Illinois****2013 and 2014****SB3371**

Introduced 2/14/2014, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that commercial vehicle relocators that tow a vehicle at the request of the owner or lessor of private property, or their agent, may acquire a storage lien on the properly towed vehicle. Increases the amount of damage that may be done to a vehicle before scrap processors may acquire clean title without the notation "REBUILT" from 25% of the market value to 33 1/3% of the market value. Creates a new Article governing mechanic's liens. Provides that a person or entity providing labor, services, material, or storage for any vehicle with the consent of the vehicle owner or authorized agent of the vehicle owner shall be entitled to have a lien upon the vehicle for the contracted price of the services provided. Provides methods for establishing consent. Prescribes the method and requirements for foreclosing a mechanic's lien, including notice requirements to the owner. Provides that any proceeds in excess of the lien shall be deposited with the county treasurer. Establishes requirements for the purchaser of a vehicle at a foreclosure sale to obtain title. Provides that the Secretary of State shall adopt rules governing the foreclosure of mechanic's liens. Provides that persons whose vehicle is towed as a result of a violation of the Illinois Vehicle Code must request a hearing within 14 days of notice or forfeit their vehicle. Amends the Labor and Storage Lien Act. Provides that Act does not apply to labor, services, skill, or material upon or furnishing storage for motor vehicles. Amends the Labor and Storage Lien (Small Amount) Act. Provides that Act does not apply to labor, services, skill, or material upon or furnishing storage for motor vehicles. Amends the Automotive Repair Act. Provides that if a customer authorizes a repair estimate and does not retrieve the vehicle or authorize the repairs, a lien shall be created in the amount of the storage costs incident to preparing the estimate. Effective January 1, 2015.

LRB098 15260 MLW 54156 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 4-203, 4-215, and 11-208.7 and by adding the heading
6 of Article IV to Chapter 4 and Sections 4-400, 4-401, 4-402,
7 and 4-403 as follows:

8 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

9 Sec. 4-203. Removal of motor vehicles or other vehicles;
10 Towing or hauling away.

11 (a) When a vehicle is abandoned, or left unattended, on a
12 toll highway, interstate highway, or expressway for 2 hours or
13 more, its removal by a towing service may be authorized by a
14 law enforcement agency having jurisdiction.

15 (b) When a vehicle is abandoned on a highway in an urban
16 district 10 hours or more, its removal by a towing service may
17 be authorized by a law enforcement agency having jurisdiction.

18 (c) When a vehicle is abandoned or left unattended on a
19 highway other than a toll highway, interstate highway, or
20 expressway, outside of an urban district for 24 hours or more,
21 its removal by a towing service may be authorized by a law
22 enforcement agency having jurisdiction.

23 (d) When an abandoned, unattended, wrecked, burned or

1 partially dismantled vehicle is creating a traffic hazard
2 because of its position in relation to the highway or its
3 physical appearance is causing the impeding of traffic, its
4 immediate removal from the highway or private property adjacent
5 to the highway by a towing service may be authorized by a law
6 enforcement agency having jurisdiction.

7 (e) Whenever a peace officer reasonably believes that a
8 person under arrest for a violation of Section 11-501 of this
9 Code or a similar provision of a local ordinance is likely,
10 upon release, to commit a subsequent violation of Section
11 11-501, or a similar provision of a local ordinance, the
12 arresting officer shall have the vehicle which the person was
13 operating at the time of the arrest impounded for a period of
14 not more than 12 hours after the time of arrest. However, such
15 vehicle may be released by the arresting law enforcement agency
16 prior to the end of the impoundment period if:

17 (1) the vehicle was not owned by the person under
18 arrest, and the lawful owner requesting such release
19 possesses a valid operator's license, proof of ownership,
20 and would not, as determined by the arresting law
21 enforcement agency, indicate a lack of ability to operate a
22 motor vehicle in a safe manner, or who would otherwise, by
23 operating such motor vehicle, be in violation of this Code;
24 or

25 (2) the vehicle is owned by the person under arrest,
26 and the person under arrest gives permission to another

1 person to operate such vehicle, provided however, that the
2 other person possesses a valid operator's license and would
3 not, as determined by the arresting law enforcement agency,
4 indicate a lack of ability to operate a motor vehicle in a
5 safe manner or who would otherwise, by operating such motor
6 vehicle, be in violation of this Code.

7 (e-5) Whenever a registered owner of a vehicle is taken
8 into custody for operating the vehicle in violation of Section
9 11-501 of this Code or a similar provision of a local ordinance
10 or Section 6-303 of this Code, a law enforcement officer may
11 have the vehicle immediately impounded for a period not less
12 than:

13 (1) 24 hours for a second violation of Section 11-501
14 of this Code or a similar provision of a local ordinance or
15 Section 6-303 of this Code or a combination of these
16 offenses; or

17 (2) 48 hours for a third violation of Section 11-501 of
18 this Code or a similar provision of a local ordinance or
19 Section 6-303 of this Code or a combination of these
20 offenses.

21 The vehicle may be released sooner if the vehicle is owned
22 by the person under arrest and the person under arrest gives
23 permission to another person to operate the vehicle and that
24 other person possesses a valid operator's license and would
25 not, as determined by the arresting law enforcement agency,
26 indicate a lack of ability to operate a motor vehicle in a safe

1 manner or would otherwise, by operating the motor vehicle, be
2 in violation of this Code.

3 (f) Except as provided in Chapter 18a of this Code, the
4 owner or lessor of privately owned real property within this
5 State, or any person authorized by such owner or lessor, or any
6 law enforcement agency in the case of publicly owned real
7 property may cause any motor vehicle abandoned or left
8 unattended upon such property without permission to be removed
9 by a towing service without liability for the costs of removal,
10 transportation or storage or damage caused by such removal,
11 transportation or storage. The towing or removal of any vehicle
12 from private property without the consent of the registered
13 owner or other legally authorized person in control of the
14 vehicle is subject to compliance with the following conditions
15 and restrictions:

16 1. Any towed or removed vehicle must be stored at the
17 site of the towing service's place of business. The site
18 must be open during business hours, and for the purpose of
19 redemption of vehicles, during the time that the person or
20 firm towing such vehicle is open for towing purposes.

21 2. The towing service shall within 30 minutes of
22 completion of such towing or removal, notify the law
23 enforcement agency having jurisdiction of such towing or
24 removal, and the make, model, color and license plate
25 number of the vehicle, and shall obtain and record the name
26 of the person at the law enforcement agency to whom such

1 information was reported.

2 3. If the registered owner or legally authorized person
3 entitled to possession of the vehicle shall arrive at the
4 scene prior to actual removal or towing of the vehicle, the
5 vehicle shall be disconnected from the tow truck and that
6 person shall be allowed to remove the vehicle without
7 interference, upon the payment of a reasonable service fee
8 of not more than one half the posted rate of the towing
9 service as provided in paragraph 6 of this subsection, for
10 which a receipt shall be given.

11 4. The rebate or payment of money or any other valuable
12 consideration from the towing service or its owners,
13 managers or employees to the owners or operators of the
14 premises from which the vehicles are towed or removed, for
15 the privilege of removing or towing those vehicles, is
16 prohibited. Any individual who violates this paragraph
17 shall be guilty of a Class A misdemeanor.

18 5. Except for property appurtenant to and obviously a
19 part of a single family residence, and except for instances
20 where notice is personally given to the owner or other
21 legally authorized person in control of the vehicle that
22 the area in which that vehicle is parked is reserved or
23 otherwise unavailable to unauthorized vehicles and they
24 are subject to being removed at the owner or operator's
25 expense, any property owner or lessor, prior to towing or
26 removing any vehicle from private property without the

1 consent of the owner or other legally authorized person in
2 control of that vehicle, must post a notice meeting the
3 following requirements:

4 a. Except as otherwise provided in subparagraph
5 a.1 of this subdivision (f)5, the notice must be
6 prominently placed at each driveway access or curb cut
7 allowing vehicular access to the property within 5 feet
8 from the public right-of-way line. If there are no
9 curbs or access barriers, the sign must be posted not
10 less than one sign each 100 feet of lot frontage.

11 a.1. In a municipality with a population of less
12 than 250,000, as an alternative to the requirement of
13 subparagraph a of this subdivision (f)5, the notice for
14 a parking lot contained within property used solely for
15 a 2-family, 3-family, or 4-family residence may be
16 prominently placed at the perimeter of the parking lot,
17 in a position where the notice is visible to the
18 occupants of vehicles entering the lot.

19 b. The notice must indicate clearly, in not less
20 than 2 inch high light-reflective letters on a
21 contrasting background, that unauthorized vehicles
22 will be towed away at the owner's expense.

23 c. The notice must also provide the name and
24 current telephone number of the towing service towing
25 or removing the vehicle.

26 d. The sign structure containing the required

1 notices must be permanently installed with the bottom
2 of the sign not less than 4 feet above ground level,
3 and must be continuously maintained on the property for
4 not less than 24 hours prior to the towing or removing
5 of any vehicle.

6 6. Any towing service that tows or removes vehicles and
7 proposes to require the owner, operator, or person in
8 control of the vehicle to pay the costs of towing and
9 storage prior to redemption of the vehicle must file and
10 keep on record with the local law enforcement agency a
11 complete copy of the current rates to be charged for such
12 services, and post at the storage site an identical rate
13 schedule and any written contracts with property owners,
14 lessors, or persons in control of property which authorize
15 them to remove vehicles as provided in this Section. The
16 towing and storage charges, however, shall not exceed the
17 maximum allowed by the Illinois Commerce Commission under
18 Section 18a-200.

19 7. No person shall engage in the removal of vehicles
20 from private property as described in this Section without
21 filing a notice of intent in each community where he
22 intends to do such removal, and such notice shall be filed
23 at least 7 days before commencing such towing.

24 8. No removal of a vehicle from private property shall
25 be done except upon express written instructions of the
26 owners or persons in charge of the private property upon

1 which the vehicle is said to be trespassing.

2 9. Vehicle entry for the purpose of removal shall be
3 allowed with reasonable care on the part of the person or
4 firm towing the vehicle. Such person or firm shall be
5 liable for any damages occasioned to the vehicle if such
6 entry is not in accordance with the standards of reasonable
7 care.

8 10. When a vehicle has been towed or removed pursuant
9 to this Section, it must be released to its owner or
10 custodian within one half hour after requested, if such
11 request is made during business hours. Any vehicle owner or
12 custodian or agent shall have the right to inspect the
13 vehicle before accepting its return, and no release or
14 waiver of any kind which would release the towing service
15 from liability for damages incurred during the towing and
16 storage may be required from any vehicle owner or other
17 legally authorized person as a condition of release of the
18 vehicle. A detailed, signed receipt showing the legal name
19 of the towing service must be given to the person paying
20 towing or storage charges at the time of payment, whether
21 requested or not.

22 This Section shall not apply to law enforcement,
23 firefighting, rescue, ambulance, or other emergency vehicles
24 which are marked as such or to property owned by any
25 governmental entity.

26 When an authorized person improperly causes a motor vehicle

1 to be removed, such person shall be liable to the owner or
2 lessee of the vehicle for the cost or removal, transportation
3 and storage, any damages resulting from the removal,
4 transportation and storage, attorney's fee and court costs.

5 Any towing or storage charges accrued shall be payable by
6 the use of any major credit card, in addition to being payable
7 in cash.

8 11. Towing companies shall also provide insurance
9 coverage for areas where vehicles towed under the
10 provisions of this Chapter will be impounded or otherwise
11 stored, and shall adequately cover loss by fire, theft or
12 other risks.

13 Any person who fails to comply with the conditions and
14 restrictions of this subsection shall be guilty of a Class C
15 misdemeanor and shall be fined not less than \$100 nor more than
16 \$500.

17 (g)(1) When a vehicle is determined to be a hazardous
18 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
19 Illinois Municipal Code or Section 5-12002.1 of the Counties
20 Code, its removal and impoundment by a towing service may be
21 authorized by a law enforcement agency with appropriate
22 jurisdiction.

23 (2) When a vehicle removal from either public or private
24 property is authorized by a law enforcement agency, the owner
25 of the vehicle shall be responsible for all towing and storage
26 charges.

1 (3) Vehicles removed from public or private property and
2 stored by a commercial vehicle relocater or any other towing
3 service authorized by a law enforcement agency in compliance
4 with this Section and Sections 4-201 and 4-202 of this Code, or
5 at the request of the owner or lessor of privately owned real
6 property, or any person authorized by that owner or lessor, in
7 compliance with subsection (f) of this Section, or at the
8 request of the vehicle owner or operator, shall be subject to a
9 possessor lien for services under Section 4-400 of this Code
10 ~~pursuant to the Labor and Storage Lien (Small Amount) Act.~~
11 ~~Notice~~ The provisions of Section 1 of that Act relating to
12 ~~notice~~ and implied consent shall be deemed satisfied by
13 compliance with Section 18a-302 and subsection (6) of Section
14 18a-300. In no event shall such lien be greater than the rate
15 or rates established in accordance with subsection (6) of
16 Section 18a-200 of this Code. In no event shall such lien be
17 increased or altered to reflect any charge for services or
18 materials rendered in addition to those authorized by this Act.
19 Every such lien shall be payable by use of any major credit
20 card, in addition to being payable in cash.

21 (4) Any personal property belonging to the vehicle owner in
22 a vehicle subject to a lien under this subsection (g) shall
23 likewise be subject to that lien, excepting only: child
24 restraint systems as defined in Section 4 of the Child
25 Passenger Protection Act and other child booster seats;
26 eyeglasses; food; medicine; perishable property; any

1 operator's licenses; any cash, credit cards, or checks or
2 checkbooks; any wallet, purse, or other property containing any
3 operator's license or other identifying documents or
4 materials, cash, credit cards, checks, or checkbooks; and any
5 personal property belonging to a person other than the vehicle
6 owner if that person provides adequate proof that the personal
7 property belongs to that person. The spouse, child, mother,
8 father, brother, or sister of the vehicle owner may claim
9 personal property excepted under this paragraph (4) if the
10 person claiming the personal property provides the commercial
11 vehicle relocator or towing service with the authorization of
12 the vehicle owner.

13 (5) This paragraph (5) applies only in the case of a
14 vehicle that is towed as a result of being involved in an
15 accident. In addition to the personal property excepted under
16 paragraph (4), all other personal property in a vehicle subject
17 to a lien under this subsection (g) is exempt from that lien
18 and may be claimed by the vehicle owner if the vehicle owner
19 provides the commercial vehicle relocator or towing service
20 with proof that the vehicle owner has an insurance policy
21 covering towing and storage fees. The spouse, child, mother,
22 father, brother, or sister of the vehicle owner may claim
23 personal property in a vehicle subject to a lien under this
24 subsection (g) if the person claiming the personal property
25 provides the commercial vehicle relocator or towing service
26 with the authorization of the vehicle owner and proof that the

1 vehicle owner has an insurance policy covering towing and
2 storage fees. The regulation of liens on personal property and
3 exceptions to those liens in the case of vehicles towed as a
4 result of being involved in an accident are exclusive powers
5 and functions of the State. A home rule unit may not regulate
6 liens on personal property and exceptions to those liens in the
7 case of vehicles towed as a result of being involved in an
8 accident. This paragraph (5) is a denial and limitation of home
9 rule powers and functions under subsection (h) of Section 6 of
10 Article VII of the Illinois Constitution.

11 (6) No lien under this subsection (g) shall: exceed \$2,000
12 in its total amount; or be increased or altered to reflect any
13 charge for services or materials rendered in addition to those
14 authorized by this Act.

15 (h) Whenever a peace officer issues a citation to a driver
16 for a violation of subsection (a) of Section 11-506 of this
17 Code, the arresting officer may have the vehicle which the
18 person was operating at the time of the arrest impounded for a
19 period of 5 days after the time of arrest. An impounding agency
20 shall release a motor vehicle impounded under this subsection
21 (h) to the registered owner of the vehicle under any of the
22 following circumstances:

23 (1) If the vehicle is a stolen vehicle; or

24 (2) If the person ticketed for a violation of
25 subsection (a) of Section 11-506 of this Code was not
26 authorized by the registered owner of the vehicle to

1 operate the vehicle at the time of the violation; or

2 (3) If the registered owner of the vehicle was neither
3 the driver nor a passenger in the vehicle at the time of
4 the violation or was unaware that the driver was using the
5 vehicle to engage in street racing; or

6 (4) If the legal owner or registered owner of the
7 vehicle is a rental car agency; or

8 (5) If, prior to the expiration of the impoundment
9 period specified above, the citation is dismissed or the
10 defendant is found not guilty of the offense.

11 (Source: P.A. 96-1274, eff. 7-26-10; 96-1506, eff. 1-27-11;
12 97-779, eff. 7-13-12.)

13 (625 ILCS 5/4-215)

14 Sec. 4-215. Rebuilt vehicles; clean titles. Persons
15 licensed under Section 5-301 of this Code may obtain a
16 certificate of title that does not bear the notation "REBUILT"
17 from a certificate of purchase when the damage to the vehicle
18 is 33 1/3% ~~25%~~ or less of its market value, there has been no
19 structural damage to the vehicle, there is no history of a
20 salvage certificate, and the vehicle has undergone a salvage
21 inspection by the Secretary of State and a safety inspection
22 under Section 13-101 of this Code. The application for a
23 certificate of title shall contain an affirmation under penalty
24 for perjury that the vehicle on the date of the application is
25 not damaged in excess of 33 1/3% ~~25%~~ of its market value, has

1 no structural damage, and has no history of salvage.

2 (Source: P.A. 89-433, eff. 12-15-95.)

3 (625 ILCS 5/Ch. 4 Art. IV heading new)

4 ARTICLE IV. MECHANIC'S LIENS AGAINST VEHICLES

5 (625 ILCS 5/4-400 new)

6 Sec. 4-400. Applicability. This Article applies to any
7 person or entity providing labor, services, material, or
8 storage for any vehicle at the request of the vehicle owner or
9 authorized agent of the owner. For purposes of this Article,
10 "owner" shall include the person who holds legal title to the
11 vehicle, a lessee of the vehicle, or an authorized agent of the
12 person who holds legal title or lessee.

13 (625 ILCS 5/4-401 new)

14 Sec. 4-401. Creation of lien. Any person or entity
15 providing labor, services, material, or storage for any vehicle
16 with the consent of the vehicle owner or authorized agent of
17 the vehicle owner shall be entitled to have a lien upon the
18 vehicle for the contracted price of the services provided. Only
19 costs for newspaper advertisements, certified mailings, record
20 searches required by paragraph (1) of subsection (b) of Section
21 4-403 of this Code, and legal fees incurred as a result of
22 enforcing a mechanic's lien may be added to the contracted
23 price of the services originally provided to the vehicle owner.

1 (625 ILCS 5/4-402 new)

2 Sec. 4-402. Consent of vehicle owner.

3 (a) Except as provided in subsection (c), to establish a
4 lien under this Article the claimant must provide proof of
5 consent by the vehicle owner for the contracted services. The
6 vehicle owner's consent shall be demonstrated by a signed work
7 order or estimate or by a record of oral consent made on the
8 work order or estimate. If the vehicle owner's consent is oral
9 the claimant must provide the work order, estimate, or other
10 written record used in the normal course of business that
11 contains the date, time, name of the person authorizing the
12 services, the name of the employee who spoke to the person
13 authorizing the services, and the telephone number of the
14 vehicle owner, if any. If the only service provided is storage
15 of a vehicle the claimant must provide a formal storage
16 agreement, signed by the vehicle owner, setting forth the
17 storage charge. If storage is provided incident to repairs
18 authorized by the vehicle owner, the authorization for the
19 repairs shall constitute authorization for storage.

20 (b) Any vehicle for which the claimant has possession but
21 cannot provide proof of consent of the vehicle owner for labor,
22 services, material, or storage shall be deemed an abandoned
23 vehicle and disposal of the vehicle shall be governed by
24 Article II of Chapter 4 of this Code.

25 (c) Proof of consent of the vehicle owner for towing and

1 storage charges is not required when the tow and storage are
2 pursuant to authorization by a law enforcement agency or at the
3 request of the owner or lessor of privately owned real
4 property, or any person authorized by the owner or lessor, in
5 compliance with subsection (f) of Section 4-203 of this Code.

6 (625 ILCS 5/4-403 new)

7 Sec. 4-403. Foreclosing mechanic's liens.

8 (a) If a vehicle is not redeemed by the owner within 30
9 days after completion of the contracted services or 30 days
10 after the date agreed upon by the parties, whichever is later,
11 the claimant may begin to enforce a mechanic's lien.

12 (b) The sale of the vehicle shall occur only after
13 providing notice to the owner of the time and place of the
14 sale. The claimant shall request the title records of the
15 vehicle from the Secretary of State. If the Secretary of State
16 cannot provide ownership information, the following means
17 shall be used to identify the owner:

18 (1) using the vehicle identification number to conduct
19 a search through a commercial, nation-wide motor vehicle
20 information service; and

21 (2) inspecting the vehicle for evidence of the name or
22 address of the owner or state of registration.

23 If evidence of the state of registration is found, the
24 motor vehicle department of the particular state shall be
25 contacted and requested to perform a record search for the name

1 and address of any owner or lienholder. In lieu of contacting a
2 motor vehicle department, the request for the name and address
3 of any owner or lienholder may be made to any private entity
4 approved by the Secretary of State for this purpose.

5 (c) The claimant shall send notice by certified mail, or by
6 any other method of mailing authorized by administrative rule,
7 no less than 30 days prior to the sale to the owner of the
8 vehicle and any lienholder. The notice, in addition to being
9 mailed to the addresses provided on the record search, shall
10 also be sent to any secondary address provided to the claimant
11 by the vehicle owner. The notice shall include the name,
12 address, and telephone number of the claimant, the hours of
13 operation, the total amount owed, and the time and place of the
14 sale. The sale must be held at the business location of the
15 claimant.

16 (d) In addition to the certified notice required under
17 subsection (c) of this Section, the claimant shall publish one
18 notice of the sale in a newspaper of general circulation in the
19 city, village, municipality, or township where the claimant
20 provided services for the vehicle. The notice shall be
21 published no less than 14 days prior to the date and time of
22 the sale and shall set forth:

23 (1) the date, time, and location of the sale;

24 (2) the name of the vehicle owner, a description of the
25 vehicle including a vehicle identification number, make,
26 model, and year of manufacture;

1 (3) the amount owed; and

2 (4) a statement that unless the vehicle is redeemed
3 prior to the date of the sale, it will be sold at sale.

4 (e) The owner or lienholder of the vehicle may redeem the
5 vehicle any time during normal business hours prior to the date
6 of the sale. If the vehicle is not redeemed prior to the sale,
7 the claimant may sell the vehicle at the time and place
8 specified in the notice to satisfy the lien amount. The
9 proceeds of the sale of the vehicle in excess of the charges of
10 the claimant shall be deposited with the county treasurer where
11 the services of the claimant were provided. If the excess
12 proceeds are not reclaimed by the vehicle owner or lienholder
13 within 6 months, the excess proceeds shall be deposited by the
14 county treasurer in the general revenue fund of the county.

15 (f) After the sale of the vehicle the entity or individual
16 purchasing the vehicle at sale shall apply for a certificate of
17 title, salvage certificate, or junking certificate for the
18 purchased vehicle as required by law. The entity or individual
19 shall submit a title application along with the following
20 documentation to the Secretary of State:

21 (1) a detailed, itemized estimate or invoice,
22 including labor and parts, as originally prepared by the
23 repairer, rebuilder, or other entity;

24 (2) pictures of the vehicle;

25 (3) a mechanic's lien affirmation, completed by the
26 purchaser and the mechanic;

- 1 (4) proof of a title record search;
2 (5) proof of certified mail notification to the owner
3 and lienholder;
4 (6) proof of published notice; and
5 (7) any other information as required by the Secretary
6 of State.
7 (g) The Secretary of State shall adopt rules to implement
8 this Article.

9 (625 ILCS 5/11-208.7)

10 Sec. 11-208.7. Administrative fees and procedures for
11 impounding vehicles for specified violations.

12 (a) Any municipality may, consistent with this Section,
13 provide by ordinance procedures for the release of properly
14 impounded vehicles and for the imposition of a reasonable
15 administrative fee related to its administrative and
16 processing costs associated with the investigation, arrest,
17 and detention of an offender, or the removal, impoundment,
18 storage, and release of the vehicle. The administrative fee
19 imposed by the municipality may be in addition to any fees
20 charged for the towing and storage of an impounded vehicle. The
21 administrative fee shall be waived by the municipality upon
22 verifiable proof that the vehicle was stolen at the time the
23 vehicle was impounded.

24 (b) Any ordinance establishing procedures for the release
25 of properly impounded vehicles under this Section may impose

1 fees for the following violations:

2 (1) operation or use of a motor vehicle in the
3 commission of, or in the attempt to commit, an offense for
4 which a motor vehicle may be seized and forfeited pursuant
5 to Section 36-1 of the Criminal Code of 2012; or

6 (2) driving under the influence of alcohol, another
7 drug or drugs, an intoxicating compound or compounds, or
8 any combination thereof, in violation of Section 11-501 of
9 this Code; or

10 (3) operation or use of a motor vehicle in the
11 commission of, or in the attempt to commit, a felony or in
12 violation of the Cannabis Control Act; or

13 (4) operation or use of a motor vehicle in the
14 commission of, or in the attempt to commit, an offense in
15 violation of the Illinois Controlled Substances Act; or

16 (5) operation or use of a motor vehicle in the
17 commission of, or in the attempt to commit, an offense in
18 violation of Section 24-1, 24-1.5, or 24-3.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012; or

20 (6) driving while a driver's license, permit, or
21 privilege to operate a motor vehicle is suspended or
22 revoked pursuant to Section 6-303 of this Code; except that
23 vehicles shall not be subjected to seizure or impoundment
24 if the suspension is for an unpaid citation (parking or
25 moving) or due to failure to comply with emission testing;
26 or

1 (7) operation or use of a motor vehicle while
2 soliciting, possessing, or attempting to solicit or
3 possess cannabis or a controlled substance, as defined by
4 the Cannabis Control Act or the Illinois Controlled
5 Substances Act; or

6 (8) operation or use of a motor vehicle with an expired
7 driver's license, in violation of Section 6-101 of this
8 Code, if the period of expiration is greater than one year;
9 or

10 (9) operation or use of a motor vehicle without ever
11 having been issued a driver's license or permit, in
12 violation of Section 6-101 of this Code, or operating a
13 motor vehicle without ever having been issued a driver's
14 license or permit due to a person's age; or

15 (10) operation or use of a motor vehicle by a person
16 against whom a warrant has been issued by a circuit clerk
17 in Illinois for failing to answer charges that the driver
18 violated Section 6-101, 6-303, or 11-501 of this Code; or

19 (11) operation or use of a motor vehicle in the
20 commission of, or in the attempt to commit, an offense in
21 violation of Article 16 or 16A of the Criminal Code of 1961
22 or the Criminal Code of 2012; or

23 (12) operation or use of a motor vehicle in the
24 commission of, or in the attempt to commit, any other
25 misdemeanor or felony offense in violation of the Criminal
26 Code of 1961 or the Criminal Code of 2012, when so provided

1 by local ordinance; or

2 (13) operation or use of a motor vehicle in violation
3 of Section 11-503 of this Code:

4 (A) while the vehicle is part of a funeral
5 procession; or

6 (B) in a manner that interferes with a funeral
7 procession.

8 (c) The following shall apply to any fees imposed for
9 administrative and processing costs pursuant to subsection
10 (b):

11 (1) All administrative fees and towing and storage
12 charges shall be imposed on the registered owner of the
13 motor vehicle or the agents of that owner.

14 (2) The fees shall be in addition to (i) any other
15 penalties that may be assessed by a court of law for the
16 underlying violations; and (ii) any towing or storage fees,
17 or both, charged by the towing company.

18 (3) The fees shall be uniform for all similarly
19 situated vehicles.

20 (4) The fees shall be collected by and paid to the
21 municipality imposing the fees.

22 (5) The towing or storage fees, or both, shall be
23 collected by and paid to the person, firm, or entity that
24 tows and stores the impounded vehicle.

25 (d) Any ordinance establishing procedures for the release
26 of properly impounded vehicles under this Section shall provide

1 for an opportunity for a hearing, as provided in subdivision
2 (b) (4) of Section 11-208.3 of this Code, and for the release of
3 the vehicle to the owner of record, lessee, or a lienholder of
4 record upon payment of all administrative fees and towing and
5 storage fees.

6 (e) Any ordinance establishing procedures for the
7 impoundment and release of vehicles under this Section shall
8 include the following provisions concerning notice of
9 impoundment:

10 (1) Whenever a police officer has cause to believe that
11 a motor vehicle is subject to impoundment, the officer
12 shall provide for the towing of the vehicle to a facility
13 authorized by the municipality.

14 (2) At the time the vehicle is towed, the municipality
15 shall notify or make a reasonable attempt to notify the
16 owner, lessee, or person identifying himself or herself as
17 the owner or lessee of the vehicle, or any person who is
18 found to be in control of the vehicle at the time of the
19 alleged offense, of the fact of the seizure, and of the
20 vehicle owner's or lessee's right to an administrative
21 hearing.

22 (3) The municipality shall also provide notice that the
23 motor vehicle will remain impounded pending the completion
24 of an administrative hearing, unless the owner or lessee of
25 the vehicle or a lienholder posts with the municipality a
26 bond equal to the administrative fee as provided by

1 ordinance and pays for all towing and storage charges.

2 (f) Any ordinance establishing procedures for the
3 impoundment and release of vehicles under this Section shall
4 include a provision providing that the registered owner or
5 lessee of the vehicle and any lienholder of record shall be
6 provided with an opportunity to schedule an administrative a
7 ~~notice of~~ hearing. The notice of opportunity to schedule an
8 administrative hearing shall:

9 (1) be served upon the owner, lessee, and any
10 lienholder of record either by personal service or by first
11 class mail to the interested party's address as registered
12 with the Secretary of State;

13 (2) be served upon interested parties within 10 days
14 after a vehicle is impounded by the municipality; and

15 (3) state that if the owner, lessee, or lienholder
16 wishes to schedule an administrative hearing, then he or
17 she must, within 14 days after the notice is sent, schedule
18 an ~~contain the date, time, and location of the~~
19 administrative hearing with the municipality as provided
20 for in the notice.

21 If an owner, lessee, or lienholder schedules an
22 administrative hearing, then an ~~An~~ initial hearing shall be
23 scheduled and convened no later than 45 days after the date of
24 the personal service or mailing of the notice of hearing to the
25 parties in paragraphs (1) and (2) of this subsection (f).

26 (g) In addition to the requirements contained in

1 subdivision (b) (4) of Section 11-208.3 of this Code relating to
2 administrative hearings, any ordinance providing for the
3 impoundment and release of vehicles under this Section shall
4 include the following requirements concerning administrative
5 hearings:

6 (1) administrative hearings shall be conducted by a
7 hearing officer who is an attorney licensed to practice law
8 in this State for a minimum of 3 years;

9 (2) at the conclusion of the administrative hearing,
10 the hearing officer shall issue a written decision either
11 sustaining or overruling the vehicle impoundment;

12 (3) if the basis for the vehicle impoundment is
13 sustained by the administrative hearing officer, any
14 administrative fee posted to secure the release of the
15 vehicle shall be forfeited to the municipality;

16 (4) all final decisions of the administrative hearing
17 officer shall be subject to review under the provisions of
18 the Administrative Review Law; and

19 (5) unless the administrative hearing officer
20 overturns the basis for the vehicle impoundment, no vehicle
21 shall be released to the owner, lessee, or lienholder of
22 record until all administrative fees and towing and storage
23 charges are paid.

24 (h) Vehicles not retrieved from the towing facility or
25 storage facility within 35 days after the administrative
26 hearing officer issues a written decision, or if an owner,

1 lessee, or lienholder fails to schedule an administrative
2 hearing in a timely manner under subsection (f) of this
3 Section, then the vehicle shall be ~~deemed abandoned and~~
4 disposed of in accordance with the provisions of Article IV ~~II~~
5 of Chapter 4 of this Code.

6 (i) Unless stayed by a court of competent jurisdiction, any
7 fine, penalty, or administrative fee imposed under this Section
8 which remains unpaid in whole or in part after the expiration
9 of the deadline for seeking judicial review under the
10 Administrative Review Law may be enforced in the same manner as
11 a judgment entered by a court of competent jurisdiction.

12 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13;
13 98-518, eff. 8-22-13; revised 9-19-13.)

14 Section 10. The Labor and Storage Lien Act is amended by
15 changing Section 1 as follows:

16 (770 ILCS 45/1) (from Ch. 82, par. 40)

17 Sec. 1. Every person, firm or corporation who has expended
18 labor, skill or materials upon any chattel, or has furnished
19 storage for said chattel, at the request of its owner, reputed
20 owner, or authorized agent of the owner, or lawful possessor
21 thereof, shall have a lien upon such chattel beginning on the
22 date of the commencement of such expenditure of labor, skill
23 and materials or of such storage for the contract price for all
24 such expenditure of labor, skill or materials, or for all such

1 storage, or in the absence of such contract price, for the
2 reasonable worth of such expenditure of labor, skill and
3 materials, or of such storage, for a period of one year from
4 and after the completion of such expenditure of labor, skill or
5 materials, or of such storage, notwithstanding the fact that
6 the possession of such chattel has been surrendered to the
7 owner, or lawful possessor thereof. The lien established in
8 this Section shall not apply to labor, services, skill, or
9 material upon or furnishing storage for motor vehicles. The
10 provisions of the Illinois Vehicle Code shall apply for labor,
11 services, skill, materials, or storage provided for motor
12 vehicles.

13 (Source: Laws 1921, p. 508.)

14 Section 15. The Labor and Storage Lien (Small Amount) Act
15 is amended by changing Section 1 as follows:

16 (770 ILCS 50/1) (from Ch. 82, par. 47a)

17 Sec. 1. Every person expending labor, services, skill or
18 material upon or furnishing storage for any chattel at the
19 request of or with the consent of its owner, authorized agent
20 of the owner, or lawful possessor thereof, in the amount of
21 \$2,000 or less, shall have a lien upon such chattel beginning
22 upon the date of commencement of such expenditure of labor,
23 services, skill, or materials or furnishing of storage, for the
24 contract price for all such expenditure of labor, services,

1 skill, or material, until the possession of such chattel is
2 voluntarily relinquished to such owner or authorized agent, or
3 to one entitled to the possession thereof.

4 For the purposes of this Act, a person, other than a driver
5 or a person otherwise in control of a fire, police, emergency
6 or public utility vehicle on official business, consents to
7 removal by towing of his or her vehicle when he or she without
8 authorization parks such vehicle upon private property while
9 having notice that unauthorized vehicles will be towed from
10 such property by the owner of such property, or agent thereof,
11 at the vehicle owner's expense, where such notice is provided
12 pursuant to State law, local ordinances or regulation by any
13 state or local agency. Such notice must include a sign of at
14 least 24 inches in height by 36 inches in width posted in a
15 conspicuous place in the affected area at least 4 feet from the
16 ground but not more than 8 feet from the ground. Such sign
17 shall be either illuminated or painted with reflective paint,
18 or both and shall state the amount of towing charges to which
19 the person may be subjected. However, the requirement of the
20 sign provided for in this section shall not apply to
21 residential property which, paying due regard to the
22 circumstances and the surrounding area, is clearly reserved or
23 intended exclusively for the use or occupation of residents or
24 their vehicles.

25 The lien established herein shall not ~~also~~ apply to labor,
26 services, skills, or material upon or furnishing storage for

1 ~~motor towed vehicles. The provisions of the Illinois Vehicle~~
2 ~~Code shall apply for labor, services, skill, materials, or~~
3 ~~storage provided for motor vehicles. performed by any relocater~~
4 ~~or any other towing service pursuant to the order of a law~~
5 ~~enforcement official or agency in accordance with Sections~~
6 ~~4 201 through 4 214 of The Illinois Vehicle Code. The lien~~
7 ~~created herein shall be valid even though the towing and~~
8 ~~storage is performed without the vehicle owner's consent.~~

9 (Source: P.A. 85-1283.)

10 Section 20. The Automotive Repair Act is amended by
11 changing Section 30 as follows:

12 (815 ILCS 306/30)

13 Sec. 30. Consumer's authorization of repairs or other
14 action.

15 (a) After receiving the estimate, the owner or the owner's
16 agent may (i) authorize the repairs at the estimate of cost and
17 time in writing, (ii) request the return of the motor vehicle
18 in a disassembled state, or (iii) request that the vehicle be
19 assembled in reasonably the same condition as when released to
20 the motor vehicle repair facility, in which case the motor
21 vehicle repair facility shall make the motor vehicle available
22 for possession within 3 working days after the time of request,
23 unless parts are not available, making additional time
24 necessary. The motor vehicle repair facility may receive

1 payment for only those items on the schedule of charges to
2 which the facility is entitled.

3 (b) If the consumer has been provided an estimate as
4 required by Section 15 of this Act, and he or she does not
5 authorize repairs or retrieve the vehicle within 30 days of the
6 date on which the consumer is provided the estimate, the owner
7 of the motor vehicle repair facility shall be entitled to a
8 lien under Section 4-400 of the Illinois Vehicle Code. The lien
9 shall be for the cost of storage provided incident to preparing
10 the estimate and retaining control of the vehicle while waiting
11 for the consumer to authorize the repairs or retrieve the
12 vehicle. The consumer's consent to prepare the estimate shall
13 serve as consent to provide storage. Proof of the consumer's
14 consent to prepare the estimate must be shown in the same
15 manner as proof of authorization for storage or repairs. When a
16 lien obtained based on the provisions of this subsection is
17 foreclosed, only a salvage certificate or junking certificate
18 shall be issued for the vehicle.

19 (Source: P.A. 90-426, eff. 1-1-98.)

20 Section 99. Effective date. This Act takes effect January
21 1, 2015.

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/4-203 from Ch. 95 1/2, par. 4-203

4 625 ILCS 5/4-215

5 625 ILCS 5/Ch. 4 Art. IV

6 heading new

7 625 ILCS 5/4-400 new

8 625 ILCS 5/4-401 new

9 625 ILCS 5/4-402 new

10 625 ILCS 5/4-403 new

11 625 ILCS 5/11-208.7

12 770 ILCS 45/1 from Ch. 82, par. 40

13 770 ILCS 50/1 from Ch. 82, par. 47a

14 815 ILCS 306/30